

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Mines & Minerals –Transfer of existing 2 (two) Mining Leases held by M/s. Sri Vishnu Cement Limited, situated at Revoor, Ramapuram and Dondapadu Villages of Mellacheruvu Mandal, Nalgonda District in favour of M/s. Zuari Cement Limited – Permission - Accorded – Revised Orders – Issued.

INDUSTRIES & COMMERCE (MINES. I.) DEPARTMENT.

G.O.Ms.No. 68

Dated: 09 -07-2010
Read the following:-

1. G.O.Ms.No.212, Ind. & Com.(MI) Dept., dt. 15-6-1992.
2. G.O.Ms.No.361, Ind. & Com.(MI) Dept., dt. 19-12-2003.
3. From the M/s. Sri Vishnu Cement Limited, the transferor company and M/s. Zuari Cement Limited , High Court Company Petition Nos. 41 and 42 of 2007.
4. From the Director of Mines & Geology, File No.6100/R7-1/2008, Dated: 28-08-2008.
5. G.O.Ms. No. 44, Ind. & Com. (M-I) Dept., dt. 7-2-2009.
6. From M/s. Zuari Cement Limited, Lr. dt. 27-4-2009.
7. From the DM&G file No. 6100/R7-1/08, dt. 17-7-2009, 24.06.2010

ORDER:

In the reference 1st read above, orders were issued granting Mining Lease for Limestone over an extent of acres 1380.23 guntas in Sy.Nos. 814, 817, 819 to 839, 848, 851 to 863, 1021, 843, 844, 1040 to 1079, of Revoor Village and Sy. Nos. 22 to 31, 49, 50, 52/P, 856 to 859, 876 to 880, 882, 885 to 887 of Dondapadu Villages of Mellacheruvu Mandal, Nalgonda District in favour of M/s. Sri Vishnu Cement Limited for a period of 20 years, and the same was executed vide Assistant Director of Mines and Geology, Miryalaguda Proceedings No. 2205/M2/1992, dt. 12-11-1992 and the lease will be in force upto 11-11-2012.

2. In the reference 2nd read above, orders were issued granting 1st Renewal of Mining Lease for Limestone over an extent acres 1902.50 or 1903.10 gts. in Sy.Nos. 18, 46 to 62, 674 to 690, 790 to 796, 815 and 37 to 48, 53 to 129 of Revoor, Ramapuram and Dondapadu Villages of Mellacheruvu Mandal, Nalgonda District in favour of M/s. Sri Vishnu Cement Limited for a further period of 20 years w.e.f. 24-4-2004 and the same was executed vide Assistant Director of Mines and Geology, Miryalaguda Proceedings No. 6517/M2/02, dt. 11-3-04 and the lease will be in force upto 23-4-2024.

3. In the reference 3rd read above, the Hon'ble High Court of Andhra Pradesh in the C.P. Nos. 41 & 42 of 2007 has issued a common order on seeking for approval of the scheme of amalgamations as approved by the companies in its share holders and creditors which was filed by M/s. Sri Vishnu Cement Limited the transferor Company and M/s. Zuari Cement Limited the transferee company under Section 391 and 394 of companies Act, 1956. Finally, the Hon'ble High Court ordered that on approval of the proposed scheme of amalgamation from the appointed date all the assets and liabilities of the transferor company shall stand merged with and be vested in the amalgamated company as a going concern without any further deed or act. The scheme as proposed is approved without any modifications. The transferor company is ordered to be dissolved without winding up. The petitioners were directed to serve a copy of this order on Registrar of Companies within thirty days from the date of receipt of a copy of the order.

4. Based on the representations made by the two Companies concerned in the reference 3rd read above and also as recommended by the DM&G in the reference 4th read above and keeping in view the orders of the Hon'ble High Court, Government have accorded permission for amalgamation of two mining leases namely (1) M.L for Limestone over an extent of Ac. 1380.23 gts in Sy.Nos. 814, 817, 819 to 839, 848, 851 to 863, 1021, 843, 844, 1040 to 1079, of Revoor Village and Sy. Nos. 22 to 31, 49, 50, 52/P, 856 to 859 876 to 880, 882, 885 to 887 of Revoor and Dondapadu Villages of Mellacheruvu Mandal, Nalgonda District and (2) RML for Limestone over an extent of acres 1902.50 or 1903.10 gts. in Sy.Nos. 18, 46 to 62, 674 to 690, 790 to 796, 815 and 37 to 48, 53 to 129 of Revoor, Ramapuram and Dondapadu Villages of Mellacheruvu Mandal, Nalgonda District held by M/s. Sri Vishnu Cement Limited in favour of M/s. Zuari Cement Limited subject to satisfaction of Mines and Minerals (Development and Regulation) Act, 1957 and Minerals Concession Rules, 1960 made there under and latest amendments therein as per Rule 38 of Mineral Concession Rules, 1960 and subject to satisfaction of Mines and Minerals (Development and Regulation) Act, 1957, vide reference 5th read above.

5. M/s. Zuari Cements Limited in their representation 6th read above has stated that they have requested for transfer of two mining leases held by M/s. Sri Vishnu Cements Limited (SVCL) as per G.O. Ms. Nos. 212, I. & Com. (M-I) Dept., dt. 15-6-92 and 361, I. & Com. (M-I) Dept., dt. 19-12-2003 in the name of M/s. Zuari Cement Limited (ZCL) consequent to the order passed by the Hon'ble High Court of judicature at Hyderabad on 1-5-2007 sanctioning the scheme of Amalgamation of M/s. Sri Vishnu Cement Limited with M/s. Zuari Cement Limited and as per the sanctioned scheme the entire undertaking and business of erstwhile Sri Vishnu Cement Limited as a going concern stood transferred to and become vested with Zuari Cement Limited. Further, on the sanction of the scheme, all the statutory licenses, permissions, approvals or consents in the name of the scheme, erstwhile Sri Vishnu Cement Limited stood vested with Zuari Cement Limited without any further act or deed and shall be appropriately mutated by the statutory authorities concerned in favour of M/s. Zuari Cement Limited pursuant to the scheme which includes mining leases also. In terms of the above order of the Hon'ble High Court, they had requested for transfer of the said two mining leases in the name of M/s Zuari Cement Limited.

6. The Director of Mines and Geology, in the reference 7th read above has requested to issue necessary amendment to G.O. Ms. No. 44, I & Com.(M-I) Dept.. dt. 7-2-2009 to change the name of Sri Vishnu Cement Limited as M/s. Zuari Cement Limited in terms of Rule, 62 of M.C.Rules, 1960.

7. Government taking into view of the request made by M/s Zuari Cements Limited as para 5 above, and also the recommendation of the Director of Mines & Geology, Hyderabad at para 6 above, have examined the matter in detail and have come to a conclusion that the transfer of leases from M/s Vishnu Cements Limited in favour of M/s Zuari Cements Limited will attract Rule 37 (1) of MC Rules, 1960 which envisages that *"The lessee shall not, without the previous consent in writing of the State Government and in the case of mining lease in respect of any mineral specified in [Part 'A' and Part 'B' of] the First Schedule to the Act, without the previous approval of the Central Government (a) assign, sublet, mortgage, or in any other manner, transfer the mining lease, or any right, title or interest therein, or (b) enter into or make any [bonafide] arrangement, contract, or understanding whereby the lessee will or may be directly or indirectly financed to a substantial extent by, or under which the lessee's operations or undertakings will or may be substantially controlled by, any person or body of persons other than the lessee"* and decided to take necessary action accordingly.

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8. Government, therefore, in supersession of the orders issued in the G.O 5th read above, hereby order that the two leases namely (1) M.L for Limestone over an extent of Ac. 1380.23 gts in Sy.Nos. 814, 817, 819 to 839, 848, 851 to 863, 1021, 843, 844, 1040 to 1079, of Revoor Village and Sy. Nos. 22 to 31, 49, 50, 52/P, 856 to 859, 876 to 880, 882, 885 to 88 of Revoor and Dondapadu villages of Mellacheruvu Mandal, Nalgonda District and (2) RML for Limestone over an extent of acres 1902.50 or 1903.10 gts. in Sy. Nos. 18, 46 to 62, 674 to 690, 790 to 796, 815 and 37 to 48, 53 to 129 of Revoor, Ramapuram and Dondapadu Villages of Mellacheruvu Mandal, Nalgonda District held by M/s. Sri Vishnu Cement Limited shall be transferred in favour of M/s. Zuari Cement Limited under sub rule (b) Rule 37 (1) of MC Rules, 1960 subject to satisfaction of Mines and Minerals (Development and Regulation) Act, 1957 and Mineral Concession Rules, 1960 made there under and as amended subsequently.

9. The Director of Mines and Geology shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RANJEEV R.ACHARYA,
PRINCIPAL SECRETARY TO GOVERNMENT

To

M/s. Sri Vishnu Cement Limited,
461, Street No. 1,
Surya Nagar, Somajiguda,
Rajbhavan Road,
Hyderabad (By RPAD).

M/s. Zuari Cement Limited,
8-2-269/S/4, Sagar Society,
Road No.2, Banjara Hills,
Hyderabad – 500034 (By RPA).

Copy:

The Director of Mines and Geology, Hyderabad (w.e.file)

The Asst. Director of Mines and Geology, Miryalaguda, Nalgonda District.

The District Collector, Nalgonda.

The Secretary, Government of India, Ministry of Mines Department of Mines,
New Delhi.

The Controller General, Indian Bureau of Mines, Nagpur.

The Director General, Mines Safety, Dhanbad, Bihar.

The Regional Controller of mines, Koti, Hyderabad.

The Industries & Commerce (IF) Department (2 copies)

The Law Department.

SF/SC.

("Copy of this order is available on Internet on internet and can be accessed at
address <http://www.ap.gov.in/goir>")

//FORWARDED::BY ORDER//

SECTION OFFICER